



## LOCAL PLANNING AGENCY MEETING

### MINUTES

MEETING DATE: MONDAY, JUNE 6, 2016 AT 7:45 PM COMMISSION CHAMBERS, 500 SW 109 AVENUE

1. ROLL CALL.
2. PLEDGE OF ALLEGIANCE.
3. INVOCATION.
4. THE CITY COMMISSION SITTING AS THE LOCAL PLANNING AGENCY WILL CONSIDER THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN PURSUANT TO SECTION 163.3184(3), FLA. STAT. TO DELETE AND REPLACE PREVIOUSLY PROFFERED AND ACCEPTED DECLARATION OF RESTRICTIONS FOR APPLICATION NO. 7 OF THE OCTOBER 2009 OF MIAMI-DADE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN AMENDMENT CYCLE RECORDED IN OFFICIAL RECORD BOOK 27604, PAGES 2610 THROUGH 2632 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR CERTAIN PROPERTY IDENTIFIED UNDER FOLIO NUMBERS 25-3031-000-0021 AND 25.3031-035-0010; PROVIDING FOR ASSOCIATED MAP CHANGES AS REQUIRED; AND PROVIDING AN EFFECTIVE DATE.

5. ADJOURNMENT.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT CITY CLERK MARIE SCHMIDT AT 221-0411 BY NOON ON THE DAY BEFORE THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN PURSUANT TO SECTION 163.3184(3), FLA. STAT. TO DELETE AND REPLACE PREVIOUSLY PROFFERED AND ACCEPTED DECLARATION OF RESTRICTIONS FOR APPLICATION NO. 7 OF THE OCTOBER 2009 OF MIAMI-DADE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN AMENDMENT CYCLE RECORDED IN OFFICIAL RECORD BOOK 27604, PAGES 2610 THROUGH 2632 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR CERTAIN PROPERTY IDENTIFIED UNDER FOLIO NUMBERS 25-3031-000-0021 AND 25.3031-035-0010; PROVIDING FOR ASSOCIATED MAP CHANGES AS REQUIRED; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, 107<sup>th</sup> Avenue Gamma, LLC requests a deletion in its entirety of the Declaration of Restrictions accepted by the Miami-Dade County Board of County Commissioners and the acceptance of a new Declaration of Restrictions to the City of Sweetwater.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF SWEETWATER, FLORIDA:**

Section 1. The foregoing preamble and exhibits are incorporated herein by reference as if set forth in full.

Section 2. The City's Comprehensive Development Plan is hereby amended pursuant to section 163.3184(3), Fla. Stat., to delete and replace previously proffered and accepted Declaration of Restrictions for Application No. 7 of the October 2009 of Miami-Dade County's Comprehensive Development Master Plan Amendment Cycle Recorded in Official Records Book 27604, Pages 2610 through 2632 of the Public Records of Miami-Dade County, Florida, for certain property identified under Folio Numbers 25-3031-000-0021 and 25.3031-035-0010.

**Section 3.** The Building Official is further authorized to make the necessary changes as required to the Comprehensive Plan Future Land Use Map to reflect the above stated change.

Section 3. The City Mayor is hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Ordinance.

Section 4. If any portion of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the ordinance.

Section 5. This ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or, if vetoed, upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2016.

---

ORLANDO LOPEZ, Mayor

---

JOSE M. DIAZ, Commission President and  
Vice Mayor

ATTEST:

---

MARIE O. SCHMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



---

GUILLERMO CUADRA, CITY ATTORNEY

**VOTE UPON ADOPTION:**

JOSE M. DIAZ, COMMISSION PRESIDENT

JOSE W. BERGOUIGNAN, JR., COMMISSION VICE PRESIDENT  
PRISCA BARRETO, COMMISSIONER  
MANUEL DUASSO, COMMISSIONER  
IDANIA LLANIO, COMMISSIONER  
ISOLINA MAROÑO, COMMISSIONER  
EDUARDO M. SUAREZ, COMMISSIONER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This instrument was prepared by:

Name: Melissa Tapanes Llahues, Esq.

Address: Bercow Radell & Fernandez, PA  
200 S. Biscayne Boulevard, Suite 850  
Miami, Florida 33131

(Space reserved for Clerk)

---

DECLARATION OF RESTRICTIONS

*WHEREAS*, the undersigned Owner, 107<sup>th</sup> Avenue Gamma, LLC (“Owner”) holds the fee simple title to a 63.95 gross acre (54.20 net acre) parcel of land in the City of Sweetwater, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney’s opinion, and

*WHEREAS*, the Property was annexed by the City of Sweetwater from unincorporated Miami-Dade County and the City of Sweetwater has complete jurisdiction over all land use and zoning matters associated with the future development of the Property;

*WHEREAS*, the City recently transmitted an amendment to the City of Sweetwater Future Land Use Plan Map redesignating the Property from Miami-Dade County’s “Business and Office” with a “Metropolitan Urban Center” overlay to the City of Sweetwater’s “Commercial” with a “Metropolitan Urban Center” overlay;

*WHEREAS*, the City of Sweetwater completed the City of Sweetwater North Master Plan that envisions the Property as an iconic mixed-use transit-oriented development that will serve as the northern gateway into the City;

*IN ORDER TO ASSURE* the City of Sweetwater that the representations made by the owner during consideration of the Application will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) The Owner agrees to obtain a binding development agreement with the City of Sweetwater pursuant to the Florida Local Government Development Agreement Act, Chapter 163.3220 through 163.3243, Florida Statutes (or successor regulation), with both parties acting reasonably, in good faith and with due diligence that addresses the following matters:

- a. Maximum intensity and density of the Property;
- b. Permitted and prohibited uses for the Property;
- c. Transportation concurrency mitigation;

(Public Hearing)



**Declaration of Restrictions**  
**Page 2**

- d. Transit infrastructure and associated public parking;
- e. Stormwater drainage;
- f. Public open spaces; and
- g. Land dedication or grant of easement for municipal purposes.

(2) Owner acknowledges that entering into such binding agreement set forth herein is a precondition to the granting or issuing of any zoning, special exception, site plan or any other land development approval or permit.

City Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the City, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded , at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of the City and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the City.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of that portion of the property, provided that the same is also approved by City of Sweetwater Commission. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II , Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth the Code of Sweetwater, or successor regulation governing amendments to the City's Comprehensive Plan.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his

[L:\forms\Covenant 102113 6/28/11

**(Public Hearing)**

**Declaration of Restrictions**  
**Page 3**

attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for City to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the City is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the City (or any successor municipal corporation), and inspections made and approval of occupancy given by the City, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Covenant Running with the Land. This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the real property and for the public welfare.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that shall remain in full force and effect. However, if any material portion is invalidated, the City shall be entitled to revoke any approval predicated upon the invalidated portion.

Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner and following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration of Restrictive Covenants. Approval of the Application and acceptance of the Declaration of Restrictive Covenants does not entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the City Commission

[L:\forms\Covenant 102113 6/28/11

(Public Hearing)

**Declaration of Restrictions**  
**Page 4**

retains its full power and authority to deny each such application in whole or in part. The term "Owner" shall include the undersigned, their heirs, successors and assigns.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]



**STANDARD AMENDMENT REQUEST TO THE  
LAND USE ELEMENT/LAND USE PLAN MAP  
CITY OF SWEETWATER COMPREHENSIVE PLAN**

**1. APPLICANT**

107<sup>th</sup> Avenue Gamma, LLC  
1717 Collins Avenue  
Miami Beach, FL 33139

**2. APPLICANT'S REPRESENTATIVES**

Michael W. Larkin, Esq.  
Melissa Tapanes Llahues, Esq.  
Bercow Radell & Fernandez, P.A.  
200 South Biscayne Boulevard  
Suite 850  
Miami, Florida 33131  
(305) 374-5300

By: \_\_\_\_\_  
Michael W. Larkin, Esq.

Date: December 4, 2013

By: \_\_\_\_\_  
Melissa Tapanes Llahues, Esq.

Date: December 4, 2013

**3. DESCRIPTION OF REQUESTED CHANGES**

A deletion in its entirety of the previously proffered Declaration of Restrictions submitted in connection with Application No. 7 of the October 2009 Miami-Dade County Comprehensive Development Master Plan (CDMP) Amendment Cycle recorded in Official Record Book 27604, Pages 2610 through 2632 of the Public Records of Miami-Dade County, Florida, and the proffer of a new Declaration of Restrictions to the City of Sweetwater is requested.

- A. A deletion in its entirety of the Declaration of Restrictions accepted by the Miami-Dade Board of County Commissioners ("BCC") in connection with Application No. 7 of the Miami-Dade County ("County") October 2009 CDMP Amendment Cycle recorded in

Official Record Book 27604, Pages 2610 through 2632 of the Public Records of Miami-Dade County, Florida (“2009 CDMP Covenant”), and the proffer of a new Declaration of Restrictions to the City of Sweetwater is requested (“Sweetwater Covenant”).

**B. Description of Application Area**

The Application Area consists of 63.95 gross acres (54.20 net acres) located in Section 31, Township 53, Range 40 in the City of Sweetwater’s North Annexation Area. See attached Sketch.

**C. Acreage**

Application Area: 63.95 gross acres (54.20 net acres).

Acreage owned by Applicant: 54.20 net acres.

**D. Requested Changes**

- 1) The applicant requests a deletion in its entirety of the Declaration of Restrictions accepted by the BCC in connection with Application No. 7 of the October 2009 CDMP Amendment Cycle recorded in Official Record Book 27604, Pages 2610 through 2632 of the Public Records of Miami-Dade County, Florida, and the acceptance of a new Declaration of Restrictions to the City of Sweetwater.<sup>1</sup>

**4. REASONS FOR AMENDMENT**

Description of Application Area

The Application Area consists of two parcels divided by NW 12<sup>th</sup> Street. The larger parcel is situated at the northwest corner of NW 12<sup>th</sup> Street and NW 107<sup>th</sup> Avenue. It is bounded by NW 107<sup>th</sup> Avenue to the east, NW 14<sup>th</sup> Street to the north, NW 111<sup>th</sup> Avenue to the west, and NW 12<sup>th</sup> Street to the south. The smaller parcel is irregularly shaped and situated at the southwest corner of NW 12<sup>th</sup> Street and NW 107<sup>th</sup> Avenue. The smaller parcel is bounded by NW 107<sup>th</sup> Avenue to the east, NW 12<sup>th</sup> Street to the north and west, and the State Road 836 (SR 836) ramp right-of-way to the south.

The Application Area is currently designated as Business and Office with a Metropolitan Urban Center overlay under the Miami-Dade County CDMP Future Land Use Map. In addition, the Application Area is designated by Miami-Dade County as a Regional Activity Center (“RAC”) pursuant to Chapter 380, Florida Statutes, and the County CDMP Future Land Use Map. The City of Sweetwater recently transmitted an amendment to the City’s Future Land Use Plan Map re-designating the Application Area

---

<sup>1</sup> Approval of the request may require that the City of Sweetwater provide notice to Miami-Dade County of the release so that Miami-Dade County deletes the reference to the County Covenant in the table contained in Miami-Dade County’s CDMP Land Use Element entitled “Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments” in the next Miami-Dade County Evaluation Appraisal Report (EAR).

Commercial with the Metropolitan Urban Center overlay. The Application Area is zoned IU-2, IU-C and GU. At present, the Application Area is vacant and has no existing use. There is a lake in the center of the Application Area that is the subject of a lake fill permit and operation.

### Background

The Application Area was the subject of a standard amendment to the County CDMP, known as Application 3 of the April 2007 Amendment Cycle ("2007 Amendment"). Through the 2007 Amendment, the BCC approved (1) a Land Use Plan ("LUP") amendment to change the designation of the Application Area from "Industrial and Office" and "Business and Office" to "Business and Office"; (2) an amendment to the LUP Map and a text amendment to the Land Use Element of the County CDMP to designate the Application Area as a Regional Activity Center pursuant to Chapter 380, Florida Statutes; and 3) acceptance of a proffered covenant recorded in Official Record Book 26433 at Pages 1633 through 1650 of the Public Records of Miami-Dade County, Florida ("2007 CDMP Covenant"). Moreover, the BCC relocated the graphic symbol for the Metropolitan Urban Center designation on the LUP map of the CDMP to the Property from Miami International Mall which had been annexed to the City of Doral.

The 2007 CDMP Covenant limits the development program on the Application Area as follows:

Residential	1,050 dwelling units or 1,701,000 gross square feet
Retail/Service	799,900 gross square feet
Hotel	430 rooms or 225,000 gross square feet
Office	225,000 gross square feet

In addition, the 2007 CDMP Covenant contained several conditions including:

- 1) Funding and construction of a MetroBus Terminal for multiple MetroBus routes within three years from the date that the 2007 CDMP Amendment became final and non-appealable. These improvements were conditions to be completed prior to the issuance of any certificate of occupancy for any building within the Application Area. In addition, sufficient area for a future Metrorail Station was part of the prior approval.
- 2) Funding and construction of several roadway improvements prior to the issuance of any certificate of occupancy for any building within the Property, with the exception of those buildings that constitute the Public Transportation Facility.
- 3) Submit a site plan that satisfies specific design guidelines, pedestrian access ways, building design, landscaping, and parking.

- 4) Represent that all buildings located within the Property will be “green” buildings and certified in accordance with the standards set forth by the United States Green Building Council.
- 5) Incorporate, where practicable, water conservation measures into the design, construction, and operation of any residential and commercial development on the Property.
- 6) Reserve a minimum of 10% of the residential units that will be constructed within the Property for workforce housing.

The Application Area was also the subject of a standard amendment to the County CDMP, known as Application 7 of the October 2009 Amendment Cycle (“2009 CDMP Amendment”). Through the 2009 Amendment, the BCC approved a deletion of the 2007 CDMP Covenant and accepted the 2009 CDMP Covenant. The scope of the Owner’s entitlements remained the same. The main revision provided for in the 2009 CDMP Covenant was a new two-phase timeline to construct MetroBus Terminal Improvements. Under the 2009 CDMP Covenant, improvements that constitute Phase I of the Public Transportation Facility were targeted for funding and construction no later than August 31, 2012<sup>2</sup> to implement a park-and-ride lot to serve the 836 express bus service connecting the Airport West area to the Miami Intermodal Center (MIC). Further, Phase II of the Public Transportation Facility called for funding and construction within five (5) years of the effective date of the user operations agreement, as specified in the 2009 CDMP Covenant.

Due to the precarious economic condition that prevailed locally, nationally and internationally in both the private and public sectors between 2007 and the present, the Owner has not availed itself of any of the land use entitlements granted by the 2007 CDMP Amendment or the 2009 CDMP Amendment, rezoned the Application Area to implement the approved land use entitlements, or commenced construction of the proposed transit improvements. Likewise, the County has not commenced the 836 express bus service connecting the Airport West area to the MIC or created a community development district for the Application as required by the 2009 CDMP Covenant. Most significantly, the County abandoned its plans to extend Metrorail west and locate the Metrorail Station within the Application Area.

In light of the City’s annexation of the Application Area, in July 2012, the Owner provided the City of Sweetwater with formal notice of its intent to submit a land use plan amendment to release the 2009 CDMP Covenant, pursuant to the procedure set forth in Chapter 163, Florida Statutes, following the completion of the Sweetwater North Master Plan.

#### Owner’s Intent

---

<sup>2</sup> If the improvements that constitute Phase I of the PTF are substantially constructed prior to August 31, 2012, the Owner may request an extension of time from the Director of Miami-Dade Transit or his designee for a maximum of one (1) additional year.

The Owner intends to develop the Application Area as an iconic mixed-use transit oriented development. Rather than construct an archaic isolated MetroBus Terminal for the County, the Owner intends to create an active, refined, pedestrian-friendly transit hub surrounding the Application Area's central focal point, the lake. Parking associated with transit ridership will be distributed among the surrounding mixed use buildings so as to encourage activity and walkability while not isolating transit users from the retail, entertainment, service, office and civic uses throughout the mixed use development.

**5. ADDITIONAL MATERIAL SUBMITTED**

- 1) Recorded 2007 CDMP Covenant and 2009 CDMP Covenant
- 2) Proposed New Covenant
- 3) Aerial Photograph/Section Map

The Applicant reserves the right to supplement the application with additional documentation.

**6. COMPLETE DISCLOSURE FORMS: See attached.**

## DISCLOSURE OF INTEREST

**This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.**

**APPLICANT (S) NAME AND ADDRESS:**

APPLICANT A: 107th Avenue Gamma, LLC, 1717 Collins Ave., Miami Beach, FL 33139

APPLICANT B: \_\_\_\_\_

APPLICANT C: \_\_\_\_\_

APPLICANT D: \_\_\_\_\_

APPLICANT E: \_\_\_\_\_

APPLICANT F: \_\_\_\_\_

APPLICANT G: \_\_\_\_\_

APPLICANT H: \_\_\_\_\_

**Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.**

- 2. PROPERTY DESCRIPTION: Provide the following information for all properties in the Application Area in which the applicant has an interest. Complete information must be provided for each parcel.**

<u>APPLICANT</u>	<u>OWNER OF RECORD</u>	<u>FOLIO NUMBER</u>	<u>ACRES IN SIZE (net)</u>
107 <sup>th</sup> Avenue Gamma, LLC	Same	25-3031-000-0021	54.20 acres

- 3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2., above.**

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACTOR</u> (Attach <u>FOR PURCHASE</u> )	<u>OTHER</u> <u>Explanation )</u>
A	X			



4. **DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.**

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

N/A

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (5), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: 107<sup>th</sup> Avenue Gamma, LLC

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENT AGE OF STOCK

See enclosed disclosure of interest.

- c. If the applicant is a TRUSTEE, list the trustee's name, the name beneficiaries of the trust, and the percentage of interest held by each. [ Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (5) trust (5) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: N/A

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

N/A

- e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENT AGE OF INTEREST

N/A

Date of Contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENT AGE OF INTEREST

N/A

- b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which

**CORPORATION NAME:** N/A

PERCENT AGE OF STOCK

---

---

---

- TRUSTEE'S NAME:** N/A

PERCENTAGE OF INTEREST

N/A

- PARTNERSHIP NAME:** \_\_\_\_\_ N/A

### PERCENT AGE OF OWNERSHIP

N/A

- 9

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENT AGE OF INTEREST

N/A

Date of Contract: \_\_\_\_\_

**If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.**

N/A

---

---

---

**For any changes of ownership or changes in contract for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.**

**The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.**

**Applicant's Signatures and Printed Names**

---

**Robert P. Balzebre  
Managing Member  
107th Avenue Gamma, LLC**

**Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.**

**Notary Public, State of Florida at Large (SEAL)  
My Commission Expires:**

**Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.**